In the High Court of Punjab and Haryana at Chandigarh.

Civil Revision No.5640 of 2006.

Date of decision:7.11.2006.

Kikkar Singh and another.

...Petitioners.

Versus

Baldev Singh and others.

...Respondents.

...

Coram: Hon'ble Mr. Justice S.N.Aggarwal.

...

Present: Mr.S.S.Rangi Advocate for the petitioners.

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Judgment.

**S. N.Aggarwal, J.**

The petitioners had purchased the suit property from Surjit Singh vide sale deed dated 22.3.1999. The said sale deed was challenged by the respondents by filing a civil suit. The said suit was decreed vide judgment and decree dated 4.6.2002 and the sale deed dated 22.3.1999 in favour of the petitioners was set aside. Thereafter the respondents filed the civil suit for permanent injunction alleging that they were in possession of suit property and sought injunction against the petitioners from interfering in their peaceful possession over the suit property.

Along with the suit, they filed an application for interim stay under Order 39 Rules 1 and 2 CPC. The petitioners appeared in the Court. It was pleaded by them that after purchasing the suit property, they had constructed a house and that they were in possession of suit property. They also filed an application for interim stay seeking to restrain the respondents from interfering in their peaceful possession over the suit property.

The learned trial Court dismissed both the applications i.e. one filed by the petitioners and the other by the respondents vide order dated 29.3.2006.

The respondents herein filed an appeal against the said order. The learned Lower Appellate Court observed that both the parties were asserting their possession over the same piece of land. The petitioners were asserting their possession on the basis of sale deed dated 22.3.1999 and alleged that they have constructed a house. On the other hand, the respondents had asserted that the said sale deed dated 22.3.1999 has been set aside and they were in peaceful possession of the suit property.

The learned Lower Appellate Court vide order dated 30.8.2006 directed the parties to maintain status quo regarding possession over the suit property till the final decision of the case.

Hence, the present petition.

The submission of learned counsel for the petitioners was that the title was not to be decided in the suit for permanent injunction

but they are in possession of the suit property and they have also constructed their house and in the garb of the order of status quo, the respondents are interfering in their peaceful possession, Hence, it was prayed that the orders passed by the Courts below be set aside and the respondents be restrained from disturbing the peaceful possession of the petitioners over the suit property.

This submissions has been considered.

Admittedly, the petitioners have purchased the suit property from Surjit Singh vide sale deed dated 22.3.1999 but the said sale deed was set aside by the judgment and decree dated 4.6.2002 by a competent Court of law. Both the parties are asserting their possession and the learned Lower Appellate Court in its best wisdom has directed both the parties to maintain status quo. If any party is violating the order of status quo, necessary legal proceedings can be initiated but this alone is not a good ground for reversing the order passed by the learned Lower Appellate Court.

No merit.

Dismissed.

November 7, 2006. ( S. N. Aggarwal )
Jaggi Judge